

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DARRYL WANDRIE,

Plaintiff,

Case No. 13-10570

v

Honorable Thomas L. Ludington
Magistrate Judge Laurie Michelson

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On July 22, 2013, Plaintiff Wandrie filed a motion for summary judgment (ECF No. 8), and one month later, on August 22, 2013, Defendant responded with its motion for summary judgment (ECF No. 9).

On September 26, 2013, Magistrate Judge Laurie J. Michelson issued a report recommending that Plaintiff's motion for summary judgment be denied and that Defendant's motion for summary judgment be granted. Judge Michelson found that the Administrative Law Judge's evaluation of Plaintiff's credibility was well-reasoned and supported by substantial evidence. ECF No. 10 at 16-17.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 10) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (ECF No. 8) is **DENIED**.

It is further **ORDERED** that Defendant's motion for summary judgment (ECF No. 9) is **GRANTED**.

It is further **ORDERED** that, pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is **AFFIRMED** and Plaintiff's complaint is **DISMISSED** with prejudice.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 24, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 24, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS